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Letter dated 25 August 2005 from the Acting Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to the Chairman's letter of 2 October 2003 (S/2003/964). The Counter-Terrorism Committee has received the attached second report from Sao Tome and Principe submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex). I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Ronaldo Mota **Sardenberg**
Acting Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

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Annex

Note verbale dated 22 August 2005 from the Permanent Mission of Sao Tome and Principe to the United Nations addressed to the Chairman of the Counter-Terrorism Committee

The Permanent Mission of Sao Tome and Principe to the United Nations presents its compliments to the Counter-Terrorism Committee and has the honour to attach herewith the second report of the Democratic Republic of Sao Tome and Principe, as required by Security Council resolution 1373 (2001) (see enclosure).

nclosure*

Second report of Sao Tome and Principe to the Counter-Terrorism Committee of the Security Council

STP is threatened by the global wave of terrorism. Hence, STP is particularly aware of the fact that the CTC expects every State to strengthen its capacity against terrorism. STP is committed to improve its capacity in that area and counts on the assistance of the international community to do so.

Operative paragraph 1

Sub-paragraph 1(a)

STP is still in the process of drafting an anti-money-laundering legislation. Under this draft legislation, it is intended to introduce the reporting obligations which will be binding upon financial institutions (banks, insurances etc.) as well as upon intermediaries (for example, lawyers, notaries and accountants), when engaged in brokering activities (as distinct from the provision of professional advice). These obligations will be introduced for the area of terrorism financing too.

STP will request UNODC and the IMF to provide coordinated legal advisory services for the drafting of an anti-money laundering legislation and the establishment of a Financial Intelligence Unit (FIU). Training of personnel tasked with the implementation of this law and the management of the FIU will be equally crucial.

Concerning the financing of terrorism legislation, technical assistance for its implementation is also required because draft legislation on the subject was already submitted to the Parliament.

Sub-paragraph 1)b)

As announced in its the first report to the CTC, STP has drafted in the meantime a special legislation against terrorism with the assistance of the Terrorism Prevention Branch of the *United Nations Office on Drugs and Crime* (UNODC/TPB).

In this draft, the offence of financing of terrorism is criminalized in a way that is consistent with Article 2 of the *International Convention for the Suppression of the Financing of Terrorism*. As mentioned above, this legislation is in discussion at National Assembly.

* Annexes are on file with the Secretariat and are available for consultation.

Sub-paragraph 1)c)

It is intended to include provisions for the freezing of funds through administrative and judicial means into the above-mentioned draft legislation on money-laundering and the financing of terrorism. STP is aware of the fact that these provisions should also enable its authorities to freeze funds in accordance with operative paragraph 1)a) of Security Council resolution 1526 (2004).

Sub-paragraph 1)d)

STP is also aware of the work undertaken by FATF. STP will take into account the 8 Special Recommendations against the Financing of Terrorism.

Effective implementation of sub-paragraph 1(d) requires States to have machinery to register, audit and monitor the collection and use of funds and other economic resources by charitable, religious, cultural and other associations with a view to ensuring that they are not diverted from stated purposes, in particular to terrorism.

As stated in STP's first report, this issue is going to be addressed in its anti-terrorism legislation.

STP is ready to negotiate bilateral and multilateral agreements or to negotiate the inclusion into mutual legal assistance treaties of specific provisions designed to track funds given abroad for charitable, social, religious and cultural goals in STP as well as *vice versa*.

Operative paragraph 2

Sub-paragraph 2)a)

Currently only the Penal Code regulates the manufacturing, import and trade of firearms and explosives. However there is an urgent need of having a proper new legislative framework in place, given the fact that STP is undergoing drastic changes in its economy for its transition from cocoa to petrol, which could potentially make it vulnerable to the threat of organized crime, terrorism and money laundering. Therefore, steps were taken for the speedy ratification of the *United Nations Convention against Transnational Organized Crime* and its supplementary *Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition*. These instruments have already been submitted to the Parliament.

Sub-paragraph 2)b)

STP does not have early warning system or exchange of information with other countries. At the present, it is not even linked to INTERPOL.

Sub-paragraph 2)c)

The project of law against terrorism does not have provisions on denial of refugee status for the persons who committed crimes foreseen in 2 c) of the resolution.

Sub-paragraph 2)e)

See the provisions in the attached project of law against terrorism. Furthermore, the new project of penal code has provisions that cover terrorist organisations (art. 353 establishes punishment of 5 to 20 years imprisonment) and for terrorism (art. 354) which punishes with imprisonment of 3 to 15 years.

Sub-paragraph 2)f)

Currently, STP is concentrating its efforts in having approved the new Penal Code and the Procedure Penal Code. Taking into account the limited human and financial resources of STP, the country can not afford to enter into new initiatives without the assistance of the international community.

Sub-paragraph 2)g)

The legislation of STP does not specifically provide for the surveillance of borders and for the issuance of identity documents or travel documents that could impede the free movement of terrorist.

The authorities of STP will request assistance for the introduction of a border control system taking into account the difficulties encountered by STP for being an island.

STP will need assistance, for the establishment of:

- standards for the collection and dissemination of information and warning about passengers,
- minimum standards concerning the issuance of identification documents and travel documents,
- minimum standards and recommendations concerning the use of biometry in the establishment of procedures and the production of documents,
- minimum standards in relation to equipment used to verify the authenticity of documents at places of entry in or exit from a state.

Operative Paragraph 3

Sub-paragraph 3)a)

On 26 and 27 August 2004, STP participated in the meeting of the Committee of Intelligence and Security Services of Africa (CISSA) in Abuja, Nigeria. Participants to this conference identified the need to establish a mechanism, through CISSA, for pan-African consultation and synergy in the area of intelligence and security. This mechanism would seek to be affiliated with the AU through its *Peace and Security Council*. Since 9 July 2002, STP is a signatory to the *Protocol Relating to the Establishment of the Peace and Security Council of the African Union*. It is an objective of this Protocol to "coordinate and harmonize continental efforts in the prevention and combating of international terrorism in all its aspects".

Sub-paragraph 3)c)

On 9 September 2003, STP deposited its instrument of accession to the Chemical Weapons Convention (CWC). Since then, STP is eligible to benefit from the *Organization for the Prohibition of Chemical Weapons'* (OPCW) international cooperation and assistance programmes that provide for support in implementing the Convention's legislative and administrative stipulations, as well as providing for protection and assistance in case of a chemical weapons attack or the threat of attack.

On 2 June 2004, defence ministers from the Community of the Portuguese-speaking Countries, including STP, agreed in Bissau to enhance their information exchanges in the fighting against terrorist threats.

Sub-paragraph 3)d)

All the documentation concerning the texts in Portuguese of all the conventions and protocols against terrorism were forwarded to the National Assembly and the Minister of Justice is personally committed to the speedy approval of these international instruments by the Parliament.

Sub-paragraph 3)e)

Although STP is party to the 1951 Convention on refugees, there is not any provision in national legislation concerning the granting of refugees status and consequently this convention was never implemented here.

Sub-paragraph 3)g)

Concerning the prohibition to extradite for political reasons, established in article 41 of our constitution, it is an article that was never used. Therefore we do not have any criteria to determine what constitute « political reasons ». It should be noted however that after the ratification of the 12 international instruments against terrorism, no extradition of terrorist will be denied for political reason.

Paragraph 4

The process of ratification of the United Nations Convention against Transnational Organized Crime and its Protocols is at the same stage of the ratification of the universal instruments against terrorism, waiting for parliamentary approval.

Other questions

The ministries of Justice, Defence and Finance are working on the creation of a joint working group to better respond to some provisions of resolution 1373 (2001).